

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15731 of Saint Andrews Parish, pursuant to 11 DCMR 3107.2, for a variance from the location of parking requirements (Subsection 2116.3) to allow more than 50 percent of the required parking spaces to be located more than 400 feet from a church at Paul Jr. High School (8th and Oglethorpe Streets N.W., Square 2985, Lot 814), or in the alternative, a variance from the off-street parking requirements (Subsection 2101.1) for an addition to a church in an R-2 District at premises 701 Oglethorpe Street, N.W. (Square 3158, Lot 824).

HEARING DATE: September 16, 1992  
DECISION DATE: September 16, 1992 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 4B. ANC 4B, which is automatically a party to the application, filed a written statement of issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 2116.3. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

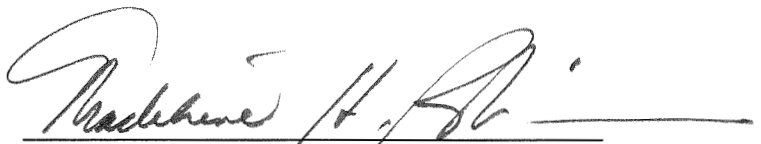
1. The certificate of occupancy shall issue for the period for which the applicant can demonstrate an appropriate agreement for the provision of 17 parking spaces on the premises of Paul Junior High School on Sundays.
2. The applicant shall police both on-site and off-site parking areas to ensure the removal of any trash and debris after each church-related activity.
3. The availability and location of the available parking spaces shall be communicated to the parishioners of the church by placing announcements in the church bulletin and other means as appropriate.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0 (Paula L. Jewell, Angel F. Clarens, Sheri M. Pruitt and Carrie L. Thornhill to grant; Tersh Boasberg not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Acting Director

FINAL DATE OF ORDER: OCT 21 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENMTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15731Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
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As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 21 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Ralph Belton  
Belton-McGhee Association  
765 Fairmont Street, N.W.  
Washington, D.C. 20001

Amanda Lyon, Chairperson  
Advisory Neighborhood Commission 4B  
7826 Eastern Avenue, N.W., #LL16  
Washington, D.C. 20012

  
MADELIENE H. ROBINSON  
Acting Director

DATE: OCT 21 1992

15731Att/bhs